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COMMISSIONERS
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CHAIRMAN
JULIA H. BETHEA, 1ST DISTRICT
SUE C. ERWIN, 2ND DISTRICT



COMMISSIONERS
REV. DAVID L. TERRY, 3RD DISTRICT
RANDOLPH MARSHALL TALLEY, 5TH DISTRICT
FREDERICK A. HOEFER, II, 6TH DISTRICT
CYNTHIA GRAHAM HOWE, MEMBER AT LARGE

State of South Carolina

GARY R. BAKER
EXECUTIVE DIRECTOR

State Ethics Commission

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STATE DOCUMENTS

APRIL - JUNE 1993

NEWSLETTER

93-005

DEPARTING COMMISSIONERS

It is always with mixed feelings that we say "goodbye" to one of our Commissioners, but we must say "goodbye" to, Ms. Paula H. Bethea, Ms. Sue C. Erwin, and Rev. David Terry. We never like seeing any of our members leave, but at the same time, we wanted them to know our best wishes are with them.

We thank them for their valuable contributions and many faithful hours of loyal service to the Commission.

WELCOME ABOARD

Governor Campbell has appointed Roger Hartman of Anderson to serve a five-year term representing the 3rd Congressional District. Hartman an Engineer with BASF, replaces Rev. David Terry.

We welcome Mr. Hartman to the Commission.

REMINDER: LOBBYING REGULATION AND REGISTRATION

The State Ethics Commission will be responsible, effective July 1, 1993, for the administration of the provisions of the Ethics Reform Act regarding registration and regulation of lobbyists. Any questions involving lobbyists should be addressed to the Secretary of State's Office until July 1.

JULY 10TH DEADLINE

It's that time again, candidates and committees are reminded of the July 10th

quarterly filing deadline for submission of Campaign Disclosure Forms. The quarterly report is required of any candidate or committee whose campaign account is still open and has not filed a final report.

Forms may be obtained from the Commission office or may be obtained from the Clerk of Court's Office in each county.

Failure to file the form within five days after the filing deadline may result in a fine of \$100, plus \$10 per each additional day, to a maximum of \$500.

LATE FILING PENALTIES

The Ethics Reform Act provides that the State Ethics Commission may levy late filing penalties for officeholders, candidates, or committees which are late in filing required forms. An initial late filing penalty may be levied if the form is not filed within five days after the deadline date. After notification by certified letter, an additional penalty of \$10 per day may be levied, to a maximum of \$500.

In FY 93, the State Ethics Commission has collected late filing penalties of \$8,346. Penalties which are not paid directly by the late filer are recouped through the Tax Commission's setoff debt collection program.

COMMISSION ACTIONS

Late Filing Penalties were levied against the following candidate for failure to properly file Campaign Disclosure reports:

NAME/POSITION SOUGHTFINE LEVIED

D. Wyman Cook
Newberry County Council

\$100

TENTATIVE COMMISSION MEETING DATES

July 21, 1993
August 18, 1993

ADVISORY OPINIONS

SEC A093-072

April 28, 1993

SPOUSE OF SCHOOL BOARD CHAIRMAN APPLYING
FOR PRINCIPAL'S POSITION

The spouse of a school board chairman may be hired as a principal within the chairman's district, provided the chairman takes no action regarding the hiring and has no supervisory or management authority over his spouse.

SEC A093-073

April 28, 1993

POST-EMPLOYMENT OF PUBLIC EMPLOYEE

An employee for a public agency would not be prohibited from accepting employment with a firm with which he has had limited involvement. However, for a period of twelve months after leaving public service, the employee may neither lobby the agency nor represent clients before the agency on matters in which he personally and substantially participated. Moreover, any subsequent employment with the firm cannot involve a contract which the employee either awarded or supervised.

SEC A093-074

April 28, 1993

OFFICER AND SHAREHOLDER IN STATE
AQUACULTURE OPERATION SERVING ON WILDLIFE
AND MARINE RESOURCES DEPARTMENT LAW
ENFORCEMENT ADVISORY BOARD

An officer and shareholder in a South Carolina aquaculture operation is not prohibited from serving on the Wildlife and Marine Resources Department Law Enforcement

Advisory Board; however, the member would be required to comply with the provisions of Section 8-13-700(B) on any board action or decision which would affect his company's economic interests.

SEC A093-075

April 28, 1993

PUBLIC EMPLOYEE'S SELECTION OF CONTRACTOR
TO CONSTRUCT PRIVATE RESIDENCE

The Ethics Reform Act does not prohibit a city employee who supervises third party contractor work from selecting a contractor who regularly performs services for the city to construct a private home unless the contractor's selection influences the employee's official actions.

SEC A093-076

April 28, 1993

SCHOOL DISTRICT EMPLOYEE SERVING ON COUNTY
ELECTION COMMISSION

A school district employee would not be prohibited from serving on a county election commission; however, he would be required to comply with the provisions of Section 8-13-700(B) on matters affecting the school district's economic interests in his capacity as a member of the election commission.

SEC A093-077

April 28, 1993

PUBLIC AGENCY CONTRACTING WITH COMPANY THAT
EMPLOYS THE SPOUSE OF AN AGENCY EMPLOYEE.
STATE TECHNICAL COLLEGE INSTRUCTOR
AUTHORING TEXTBOOK INTENDED FOR USE IN THE
COURSE HE TEACHES.

A public agency may contract with a company that employs the spouse of an agency employee; however, the public employee is prohibited from taking action or making decisions affecting the economic interests of the spouse's company. A technical college instructor would not be prohibited from authoring textbooks consistent with the off-duty employment guidelines; however, if the instructor intends to use

his book as the text in the course he teaches, the instructor is advised to comply with the provisions of Section 8-13-700(A) and (B) regarding the selection and final approval of the textbook.

SEC A093-078

May 25, 1993

COUNTY COUNCILMAN'S BUSINESS AS
SUBCONTRACTOR ON COUNTY PROJECT

A county councilman who is authorized to perform an official function pertaining to a contract as delineated in Section 8-13-775 may not be a subcontractor to a business contracting with the county since the contract was not awarded in accordance with the Consolidated Procurement Code.

SEC A093-079

May 25, 1993

POST-EMPLOYMENT OF PUBLIC EMPLOYEE

A former public employee may seek future professional consulting service contracts with his previous employer, provided that such work does not involve a contract which the employee was responsible for administering. However, for a period of twelve months after leaving public service, the employee may neither lobby the agency nor represent clients before the agency on matters in which he personally and substantially participated.

SEC A093-080

May 25, 1993

DHEC EMPLOYEE PERFORMING CONSULTANT
SERVICES FOR FEDERAL GOVERNMENT AND
INDEPENDENT SOCIAL WORK

A DHEC employee would not be prohibited from performing either independent social work or consultant services for the federal government, provided that such activities are not part of the employee's official responsibilities and are performed in accordance with the off duty employment guidelines.

SEC A093-081

June 16, 1993

SCHOOL BOARD MEMBER SERVING AS PRESIDENT OF
ASSOCIATION SUING THE BOARD PARTICIPATING
IN MEETINGS BETWEEN THE BOARD AND ITS LEGAL
COUNSEL

Although the President of the Florence Chapter of the NAACP is not prohibited from serving on the Board of Trustees for Florence School District One, he is required to comply with the recusal provisions of Section 8-13-700(B) regarding participation in matters related to the defense or settlement of the Association's lawsuit against Florence School District One.

SEC A093-082

May 25, 1993

CANDIDATE COLLECTING CAMPAIGN CONTRIBUTIONS
WITHOUT SPECIFYING THE OFFICE BEING SOUGHT

A local official, who is considering running for a different local office in 1994, may begin raising funds without specifying the office being sought; however, the official must open a separate campaign account and inform potential supporters that their contributions will not be used for a reelection campaign, but rather for a different local office race.

SEC A093-083

June 16, 1993

LOBBYIST'S PRINCIPAL HOSTING LOCAL
GOVERNMENT MEETINGS

Municipal and county officials may accept invitations to attend local government meetings hosted by a lobbyist's principal unless given to influence the recipients' official actions. If accepted, those local government officials who are required to file a Statement of Economic Interests must make the appropriate disclosure pursuant to S.C. Code Section 8-13-710(A). Provided that all invitees are treated equally, the host is not obligated to ensure that it has no issues currently pending before any local governmental bodies who may be represented at the meeting.

NEWSLETTER

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